United Nations A/67/682

General Assembly

Distr.: General
28 December 2012

Original: English

**Sixty-seventh session**
Agenda item 69 (c)
**Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

## Letter dated 19 December 2012 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to enclose herewith the explanatory note (see annex) forwarded by the High Council for Human Rights of the Islamic Republic of Iran reviewing the draft resolution on the situation of human rights in the Islamic Republic of Iran (A/C.3/67/L.51).

I would appreciate if the present letter and its annex could be circulated as a document of the General Assembly.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

12-66800 (E) 110113

Please recycle

## Annex to the letter dated 19 December 2012 from the Permanent Representative of the Islamic Republic of Iran addressed to the Secretary-General

## Substantive review of the draft resolution on the situation of human rights in the Islamic Republic of Iran (December 2012)

### Preamble

The Islamic Republic of Iran is firmly determined to utilize its potential and capacity to the maximum extent possible in order to achieve the full realization of human rights. Iran's commitment to promotion and protection of human rights is inherent, genuine and deeply rooted in the people's beliefs and values.

Unfortunately, the draft resolution on the situation of human rights in the Islamic Republic of Iran tabled by Canada in the Third Committee at the sixty-seventh session of the General Assembly (A/C.3/67/L.51) ignored the close observations of realities on the ground and included unsubstantiated shortcomings.

The resolution on the situation of human rights in the Islamic Republic of Iran is an instrument and by-product of the foreign policy of one country and a clear abuse of the United Nations human rights mechanisms. Iran strongly believes that this resolution cannot serve as an acceptable term of reference for the real situation of human rights on the ground. This draft resolution, like previous ones, is unfair, biased, selective and based on politically motivated and unlawful measures and is therefore unacceptable.

The Islamic Republic of Iran expects that the strong position of the United Nations against the draft resolution will constitute an effective step in advancing the objectives of the Charter of the United Nations, in particular the principles of integrity, impartiality, objectivity and non-selectivity, and hopes that the issue of human rights is not politically misused to satisfy the aims of some of the most egregious violators of human rights.

Similarly, the reports presented to the Third Committee, in pursuance of a politicized resolution, lack credibility, reliability and objectivity in terms of both substance and procedure, and surprisingly, disregard factual human rights situations and positive developments in the Islamic Republic of Iran.

Baseless clichés cannot be taken as criteria to characterize the situation of human rights in the Islamic Republic of Iran, and no serious concern, as expressed in the resolution 66/175, can be considered valid if due consideration is not taken of the detailed and documented responses by the Islamic Republic of Iran.

Unfortunately, the full cooperation of the Islamic Republic of Iran in providing data and information regarding the previous resolutions and reports has been ignored. This trend is also followed in the present draft resolution.

The Islamic Republic of Iran has always moved in the direction of promotion and protection of human rights at the national and international levels based on its religious commitments and beliefs as well as its compliance with the Constitution and other national and relevant international law. The Secretary of the High Council for Human Rights of the Islamic Republic of Iran stated in his meeting with the

Secretary-General that the Islamic Republic of Iran believes in the continuation of the cooperation and interactions with the United Nations and its relevant bodies.

In the view of the Islamic Republic of Iran, this draft resolution on the situation of the human rights in the Islamic Republic of Iran continues to be unacceptable.

**Operative paragraph 2**

Expressing concern in this paragraph is unjustified and baseless for the reasons set out below.

A. Torture and mistreatment of prisoners is prohibited by the Constitution and the ordinary laws, including the Law on Respecting Legitimate Liberties and Protecting Citizens' Rights of 2004 and article 169 of the executive rules of procedures of the organization of prisons, as well as the Act on Correctional Services of 2005. All officers and officials of prisons are trained to respect those provisions.

In the Constitution and in the national laws and regulations of the Islamic Republic of Iran, respect for citizens' rights is emphasized. In reality, all officials and officers are obliged to observe those rights. Any failure to implement the regulations on citizens' rights would be subject to accountability under the provisions of the 2004 Law on Respecting Legitimate Liberties and Protecting Citizens' Rights. It is worth mentioning that based on the amendment 15 of the aforementioned Law, a board appointed by the Head of the Judiciary is mandated to observe the compliance of the rules and regulations, take action to correct irregularities and, where appropriate, deal with any cases of non-compliance and report thereon to the Head of the Judiciary.

B. In the laws of many countries of the world, including the Islamic Republic of Iran, capital punishment is included, and there is no international consensus on its abolishment. In the Islamic Republic of Iran, capital punishment is reserved for the most serious crimes, is lawful and is affirmed by international instruments. In the national laws of the Islamic Republic of Iran, capital punishment is only exercised for the most serious crimes, and in the case of involuntary manslaughter capital punishment is only permissible if the victim's family asks for its application and if it is endorsed by the leader or his representatives (article 205 of the Islamic Penal Code).

During the past few years, dozens of people have been freed from death row. The principled policy of the Islamic Republic of Iran in this respect is to encourage restitution, even through the provision of financial assistance to the murderer, enabling him to pay compensation. This is the main way of dealing with such criminals.

Capital punishment is considered for drug trafficking in a number of countries of the world. For the Islamic Republic of Iran, which borders the world's largest producer of opium and heroin, there are only limited options in combating drug trafficking. In addition, Iran, alone, contributes to the destruction of drug trafficking bands and is confiscating narcotics ten times more than all countries in the world. Thousands of border guards have lost their lives or have been wounded. The number of addicts is increasing with deep economic and social consequences. Every day many die as a result of drug abuse, lose their health or become terminally ill.

The issue of narcotics and combating traffickers who have endangered the security of society by repeatedly smuggling huge amounts of narcotics is of highest priority. In practice, the Islamic Republic of Iran would exercise capital punishment in the largest cases and for the most frequent offenders. In many cases, such individuals would, in addition to smuggling, commit other criminal activities, including assassinations and kidnappings.

The Islamic Republic of Iran believes that production and distribution of narcotics constitute a grave danger and are a threat to all peoples of the world, especially young people and adolescents. With its painful ramifications all over the world, Iran considers this a manifestation of crime against humanity. What is worth mentioning about the condemned narcotics traffickers is the observance of diligent and due process of law, which is being meticulously observed for both Iranian and foreign nationals.

C. The Islamic Republic of Iran, considering all human and Islamic clemencies, applies leniency towards criminals under the age of 18. Their files are considered in special courts and their verdicts are usually minimal and light. Only in cases of voluntary manslaughter, criminals under the age of 18 are tried in provincial criminal courts with five judges sitting on the bench. Based on common law and Islamic jurisprudence, the punishment for voluntary manslaughter is reciprocation (Qesas). The duty of the Government here is only to investigate and establish the voluntary nature of the killing. The execution of the verdict is only based on the request of the family of the deceased. Based on the current customary process, even after the final verdict and endorsement of the High Court, there will be extensive efforts by the Reconciliation Commission to seek the consent of the family of the deceased to change the execution verdict to compensation. During the past few years, dozens of people have escaped capital punishment the same way.

Among other initiatives of the judiciary is the establishment of the task force for the prevention of capital punishment. The task force is a subsidiary body of the Executive Committee for the Protection of the Rights of Children and Adolescents in the Office of the District Attorney of Tehran. The initiative could be a model for the executive committees of other provinces as well. The aim is to bring about reconciliation and provide for prevention of execution through efforts to seek the consent of the victim's family. The members of the task force are as follows:

- Representatives of the national focal points for the rights of the child
- A psychologist from the Centre for Correctional Services
- A social worker from the Centre for Correctional Services
- The manager of the Centre for Correctional Services
- An advocate in the area of children and adolescents
- The Executive Secretary for the protection of the rights of children and adolescents (Office of the District Attorney of Tehran)
- A financial mobilization expert

Other members of the task force are invited from communities, such as artists, non-governmental organizations and civil society, experts in the field of child issues and other volunteers.

The duties of this task force are as follows:

- Reporting the involvement of adolescents in killings or other criminal activities that require capital punishment under the judiciary system
- Reviewing the personal situation of the accused by social workers and psychologists
- Visits to the home of the accused by a social worker
- Meetings between the advocate and the victim's family
- Meetings between the advocate and the attending judge
- Submitting the report of the task force to the Executive Committee
- Deciding on the other measures to be taken in the Executive Committee's meetings
- Inviting influential people, if necessary, to seek the consent of the victim's family
- Arranging meetings among the victim's family, members of the task force and the attending judge

The Islamic Republic of Iran will consider the necessity for a revision of the ordinary laws through the law making processes, based on Islamic jurisprudence and respecting its relevant international commitments.

It is reiterated that the new regulations pertaining to the Islamic Penal Code are drafted to be submitted as acts for approval. They will be published in the official gazette after ratification and according to article 1 of the Civil Code.

D. As for the crime *moharebeh*, under article 183 of the Islamic Penal Code, a *mohareb* is defined as anyone who resorts to intimidation to deprive people of their security and freedom. This is worth mentioning because it makes clear that as long as the accused has not taken up arms or other means of killing (explosives and other terrorist acts) he will never be considered a *mohareb*.

The meaning of *moharebeh* is incorrectly translated in the draft resolution as "enmity against God". The crime of *moharebeh* is, in fact, one of the manifestations of terrorist action. Its inclusion in the Islamic Penal Code is only to establish order and public security and as a means of protecting people against being threatened and killed by arms and has no connection to "enmity against God".

Emphasis on the concept of *moharebeh* in the draft resolution, irrespective of prior explanations, is unacceptable. It is expected that recurrence of this issue will be discontinued.

E. In the Islamic Republic of Iran, the media is treated according to law. According to article 22 of the Cybercrimes Law, the judiciary is mandated to establish the Committee for Determining the Criminal Content. The membership of the Committee is from the relevant entities headed by the Attorney General. Based on rules and regulations, the Committee would identify websites that seek to endanger the security and serenity of society, promote crimes that contradict public morality, promote improper issues and support terrorist groups. The judicial centres would, in turn, and on the basis of the current law of the country, attend to the crimes committed by the owners of such cybersites. This approach not only does not

contradict the freedom of speech and the private boundaries of people, it also provides for the preservation of civil rights and private boundaries in the cyber domain. Furthermore, there is a serious request from the people to the Government to protect their reputations, personal boundaries and rights against those who rudely disseminate personal data without authorization. Article 6 of the Law on Activities of Political Parties, Labour Associations, Islamic Associations or Recognized Religious Minorities states that activities of groups are free provided the groups do not commit the violations described under article 16 of the Law. According to provisions of article 6 and article 16, holding demonstrations and gatherings requires prior authorization of the Ministry of the Interior. Groups should also consider requirements stipulated in article 16.

It should be mentioned that, according to article 24 of the Constitution, the print media are free to print on subjects unless they interfere with the basics of Islam or public law. The article has left the details to the Parliament. In addition, article 40 of the Constitution stipulates that no one can act to others in a way that is injurious or detrimental to public interest.

F. Considering individuals, who by their anti-social behaviour under the pretext of a sacred goal ignore society's norms and have acted against national security and engaged in propaganda against the establishment, disguised as defenders of human rights, is an insult to the rights of the members of society. These associations have not acquired legal authorization. In principle, any social activity to forming parties, associations or groups, requires adherence to the Law on Activities of Political Parties, Labour Associations and Islamic Associations or Recognized Religious Minorities only after acquiring authorization from the Commission established under article 10 of the aforementioned law.

G. In the Islamic Republic of Iran any social activities in a party or association or society are regulated by and conditional on respecting the Law on the Activities of Political Parties, Labour Associations and Islamic Associations or Recognized Religious Minorities after obtaining a permit from the Commission set up under article 10 of the Law.

The Islamic Republic of Iran has carried out principled, continuous and targeted activities with a view to enhancing the status of women in the social, political, cultural and economic fields during the past 33 years, resulting in an obvious enhancement of the status of Iranian women compared to women in other countries of the region.

In adopting on 15 March 2003 the regulations covering the selection, appointment and transfer of chief executives, the Supreme Administrative Council stipulated that, with a view to enhancing the participation of women in the administration, the branches of Government were mandated to do the necessary planning and take the necessary actions to identify and empower women and appoint them to managerial posts, in such a way that the appointment of women to such posts increases annually. To this end, posts reserved for women have been created at the national level, such as the Advisor to the President for Women's and Family Affairs, and similar posts for all ministers, membership in the Women's Socio-Cultural Council, the post of Director-General for Women's Affairs in all provinces, posts at the level of Deputy-Minister for Elementary Education and the relevant Director-General in the Ministry of Education, and the post of Director in Charge of Women-related Research Institutes.

Beyond these opportunities, women have been able, based on meritocracy and in competition with men, to make their presence felt at a high level in the decision-making process, including by acquiring ministerial and vice-presidential posts. They have also been appointed as members of different Cabinet committees and the National Social Council, deputy ministers, heads of organizations, directors-general in different ministries and members of the Supreme Council on Cultural Revolution, the Supreme Council on Employment, the Supreme Council on Health, the Supreme Council on Youth, the Supreme Council on the Iranian Diaspora and the Council on Planning and Development of Provinces.

It should be emphasized that the allocation of posts according to gender, gender segregation and the establishment of gender quotas in universities aim only to support women and enhance their status.

It should be added that for the first time in the Islamic Republic of Iran, there are four Cabinet-level posts occupied by women. At the ninth parliamentary elections, there were 249 candidates and 9 women won seats in the Parliament to represent their constituencies. There are also 2,336 women members of the Islamic councils of cities and villages.

The rate of increase in the number of women acceding to managerial posts in the Ministry of Education is the highest in the country. One fourth of the members of the Council of Deputy Ministers, which includes the deputies of the Minister, his advisors and heads of subordinate organizations, are women. In the current administration of the Ministry of Education, not only the Director-General for Women's Affairs, but also the Deputy Minister for Elementary Education and deputies for elementary education at the provincial level are women. It is required that all regional and local offices of education allocate the posts of deputy heads for elementary education to women.

The number of women appointed to high, medium and low-level managerial posts in the Ministry of Education increased from 45 persons in 2005 to 482 persons in 2011, which is considered to be a very important development in empowering women, giving them opportunity and paving the way for meritocracy to prevail.

The number of women admitted to universities and other centres of higher education in the past three decades increased dramatically; it is 27 times greater than it was 30 years ago.

The needs of Government agencies in terms of college-educated women and the announcements regarding the available seats in universities are not indicative of barring women access to higher education.

H. Based on article 19 of the Constitution of the Islamic Republic of Iran, the people of Iran from every ethnic group and tribe have equal rights and should not be privileged based on colour of the skin, race, language and the like. Based on article 20 of the Constitution, all Iranians, men and women, are protected by law and enjoy all human, political, social and cultural rights within the framework of the Islamic rules.

Based on articles 12 and 13 of the Constitution, Islam is the religion of the country and the Iranian Zoroastrians, Jews and Christians, as recognized religious minorities, are free to practice their religion in accordance with the law and to

manage their personal affairs and religious education in accordance with their own customs, and all of their personal affairs are administered by their own associations.

In the Islamic Republic of Iran, various ethnic groups have lived side by side in peace and tranquillity for centuries and equally enjoyed their every legitimate right. The term "Ahwazi Arabs", as already expressed, is a fabricated term and is used for political reasons.

I. Based on the articles of the Constitution of the Islamic Republic of Iran referred to above, it should be pointed out that every year huge amounts of money, beyond what is allocated in the budget line, are allocated to the religious minorities to spend in the fields of culture, education, science and sport.

Holy places of the religious minorities are renovated using public money, and even some of the holy places with historic importance are registered in the national register of historic places.

It is important to note that anyone who contravenes the law, regardless of the religion he or she practices, will be punished following due process of law.

J. Besides the recognized religious minorities, the civil rights of the followers of different cults, including the Baha'i, are fully observed. It is obvious that their enjoyment of their rights hinges upon their abiding by the law. It is a legal principle recognized in most legal systems to require abidance by law as a precondition to the enjoyment of rights.

As in the Islamic teachings, investigation of people's beliefs is forbidden. Article 23 of the Constitution of the Islamic Republic of Iran prohibits such investigation and stresses that nobody can be prosecuted for merely having an opinion.

Some of the Baha'is, instigated by their world centres, referred to as Beit al-Adl, based in the Palestinian occupied territory, embark on organized activities and try to propagate their cult. It is obvious that such acts run counter to the law and regulations in the country. It leads to disturbances in the society by inciting other citizens.

K. The heads of the sedition, owing to their advanced age and for their own security and health, are placed under control and are regularly visited by an experienced medical team and undergo medical examination every month. No restriction whatsoever has ever been imposed on their family members. Visits with the members of their families takes place, and they have access to television and can study books.

L. In the Islamic Republic of Iran nobody is prosecuted for merely having an opinion, religion or faith. However, anyone who commits a crime will be prosecuted in accordance with the law and punished as stipulated by the law. Places of worship and cemeteries, as already indicated, are beyond assault and supported by financial assistance provided by the Government.

M. Articles 20 and 22 of the Constitution of the Islamic Republic of Iran spell out that all individuals are supported by the law and their dignity, life, property, rights, domicile and job are inviolate. In the same vein, article 32 stipulates that nobody can be arrested unless in accordance with the law and defined procedures. In the case of detention, the detainee should be immediately informed of the reason for his detention along with proof (articles 112 and 113 of the Criminal Procedure Act).

Article 38 of the Constitution prohibits torture for extracting confession or collecting information. Forcing people to testify, confess or take an oath is not permissible, and such testimony, confession or oath is valueless and not credible. Persons breaking the relevant law will be prosecuted.

In this respect, article 194 of the Criminal Procedure Act stipulates that if a defendant confesses to committing a crime and the confession is explicit and leaves no doubt and evidence supports this confession, the court proceeds to lay down the judgment. In the case where the defendant denies or stays silent or there is doubt about the validity of confession or conflict between the confession and other evidence, the court proceeds to investigate and considers other evidence. Articles 196 and 197 of the Criminal Procedure Act help clarify this issue, leading the judge to gain confidence.

In many cases, defendants repeat their previous confession in the presence of their lawyers, which is further evidence attesting to the accuracy of the confession in the earlier investigation. If a claim of torture is raised, the judicial authority refers the claimant to the coroner's office for medical examination. In any case, if it is proven that the confession was extorted by torture or under duress, it will be considered null and void and those breaching the law will be prosecuted.

Moreover, articles 69 and 70 of the Islamic Penal Code spell out conditions for those who confess, including maturity, sanity, free will and intention, and confession should be explicit beyond doubt.

Another important point is the right of a defendant to have access to a lawyer of his or her choice. The Constitution and the Criminal Procedure Act address this point, the latter stipulating that the defendant has the right to be accompanied by a lawyer. Article 185 of the Act sets out that claimants and defendants in all penal cases can choose and introduce their own lawyer or lawyers. The time of trial will be communicated to claimant, defendant, private plaintiff and their lawyers. If there are many lawyers involved, the presence of one from each of the parties in the trial is sufficient.

Article 186 of the Criminal Procedure Act enables the defendant to request the court to appoint a lawyer for him or her. If the court realizes that the defendant is unable to choose a lawyer, it takes action and appoints a lawyer for his or her defence. In the case where a defendant cannot afford to have a lawyer, the court will bear the cost.

The first sentence of article 186 of the Criminal Procedure Act foresees that in important crimes, if the defendant does not introduce a lawyer, employing a court-appointed lawyer for him or her is mandatory. In accordance with article 48 of the Penal Code the accused can benefit from support services during his or her detention in the police office.

It should be pointed out that in judicial districts across the country, there are offices of legal assistance and guidance, in which lawyers and legal officers offer legal advice to applicants, including defendants, free of charge.

Article 32 of the Constitution of the Islamic Republic of Iran stresses that nobody can be arrested except in accordance with the law. In the case of detention, the defendant should be notified immediately, in writing, of the charges, along with proofs. Within 24 hours at the most, the relevant file should be submitted to the

judicial authority and the preparations for the trial should be made as soon as possible. Those who breach the law in this respect will be prosecuted. Article 576 of the Islamic Penal Code stipulates a punishment ranging from 1 to 5 years of dismissal from a government job as a guarantee for the implementation of this provision.

Articles 112 to 131 of the Criminal Procedure Act set out provisions, which all refer to the rights of defendants, with a view to enabling them to prepare for their defence by engaging a lawyer, having enough time and receiving enough information. In accordance with article 575 of the Code, judges who fail to carry out these provisions are subject to a punishment of dismissal for life from judicial posts and five years of barring from any government office.

In the new draft Criminal Procedure Act, law enforcement agencies are mandated to inform the defendant of his or her full rights, including of being informed of the accusation. According to article 63 of the same draft act, those failing to do so will face punishment of three months to one year of dismissal from government jobs.

Article 37 of the Constitution explicitly emphasizes the principle of innocence. Article 177 of the Criminal Procedure Act deals with the way the court should consider the attributability of charges to the defendant.

According to article 4 of the new draft Criminal Procedure Act of the country, in addition to considering the principle of innocence, the effects of the aforementioned principle with respect to the freedom of individuals and non-interference in their privacy is guaranteed as envisaged by law and under supervision of judicial authorities.

Article 159 of the Constitution envisages the judicial system as the only responsible body to which complaints are to be addressed. The formation of courts and their jurisdiction are to be dealt with by the law.

According to articles 272 and 273 of the Criminal Procedure Act, retrial is envisaged as a precautionary measure in special cases.

Prisons of the country are under the supervision of an organization which is affiliated with the judicial branch, and the prisons are visited periodically, without prior notice, by the supervisory judges, as the representatives of the Attorney General.

The prisons are administered by an organization affiliated with the judicial branch and not by the police, as is the case in some countries, so the prison has no role to play in the interrogation process, during which misbehaviour can happen. Furthermore, the religious and ideological principles in the Islamic Republic of Iran never permit any misbehaviour against prisoners.

Torture and misbehaviour against prisoners are forbidden by the Constitution, as well as the Law on Respecting Legitimate Freedoms and Protecting Citizens' Rights approved in 2004 and article 169 of the executive rules of procedure of the organization of the prisons approved in 2005, and the authorities and officers of the prisons are well trained in this respect.

In addition to the stipulation of the observance of the rights of citizenship in the Constitution and other relevant laws of the country, article 15 of the Law on

Respecting Legitimate Freedoms and Protecting Citizens' Rights envisages that the Head of the Judiciary shall assign a supervisory group which should act according to the appropriate law to bring violators before the appropriate courts in case of any violation and report accordingly to the Head of the Judiciary.

N. The privacy of individuals is respected and wiretapping is not permitted in the country, according to religious teaching as well as article 25 of the Constitution. Furthermore, a Cybercrime Law has been approved, which was inspired by the Convention on Cybercrime of the European Council and the statutes of the International Association of Penal Law and INTERPOL. In article 2 of the approved Cybercrime Law of the country illegal wiretapping and in article 48 legal wiretapping have been envisaged to include cyber-, telecommunication, electromagnetic and fibre-optic wiretapping.

Article 25 of the Constitution and article 104 of the Criminal Procedure Act and its note permit the judge to delve into the audiovisual telecommunications and wiretapping of individuals in cases where national security or rights of a private party are involved. Otherwise no authority in the country can permit this.

Any judicial or non-judicial authority who permits contravention of the above-mentioned laws will be sentenced to one to three years of imprisonment according to article 582 of the Islamic Penal Code. In addition, in article 22 of the Constitution and article 24 of the Penal Code, there are similar provisions regarding intruding into the privacy of the individual including, inter alia, the residence of the individual.

**Operative paragraph 3**

In the Islamic Republic of Iran, legal proceedings are based on law, without considering the sociopolitical positions of individuals. As a vivid example, the Kahrizak detention centre was closed and the prosecution against the perpetrators of the violations of the law among the judicial and police authorities and officers has been carried out.

As any legal authority in the country acts according to the laws in addressing, without prejudice, any complaints, envisaging a fact-finding mission has been deemed unnecessary.

**Operative paragraph 4**

In all political and electoral systems, candidates for Parliament should meet conditions envisaged in the law.

In the Islamic Republic of Iran, members of the Parliament approve appropriate laws and regulations for the country and the Guardian Council has the responsibility for supervision.

The mechanism for elections in the country and the supervision over the mechanism from the viewpoint of the right of the public to participate in public affairs and to have equality before the law comply with the provisions of article 25 of the International Covenant on Civil and Political Rights.

**Operative paragraph 5**

Amnesty, pardon or reduction of prison terms are proposed by the Head of the Judiciary to the Supreme Leader of the Islamic Republic of Iran according to article 110 of the Constitution. During the current Iranian calendar year, this provision has been used for a large number of persons on several occasions, including 1,002 persons on the national day of the Islamic Republic; 53 persons on the anniversary of the freedom of Khoramshahr (a city occupied by Saddam's regime); 871 persons on the anniversary of the Revelation of the Prophet; and 14,443 persons on Eid al-Fitr (at the end of Ramazan) and on the anniversary of the birthday of Imam Reza (peace be upon him).

**Operative paragraph 6**

According to article 114 of the Constitution, the President is elected for a four-year term. Article 115 sets out the eligibility criteria for the President. Based on article 116 of the Constitution, the conduct of presidential elections has been clarified through a special presidential election law of 1985, a single article law approved in Parliament in 1991 and the appended correction to the elections law approved at the end of 1991, as well as the pertinent law regarding the presence of the representatives of the presidential candidates at the polling stations, approved in 2000.

**Operative paragraph 7**

The Islamic Republic of Iran has already elaborated its responses in reaction to the concerns included in the report of the Secretary-General and the irresponsible and unsubstantiated specific resolutions on Iran's specific situation and the reports of the special procedures and rapporteurs.

**Operative paragraph 8**

The Islamic Republic of Iran, in order to implement the tenth recommendation it accepted following its universal periodic review, has already started the study phase for the establishment of the national institution of the country.

**Operative paragraph 9**

Iran stands ready to cooperate fully with the Human Rights Committee after submitting its periodic report through the participation of an important delegation in the Committee sessions.

**Operative paragraph 10**

The ratification of international treaties is a Parliament prerogative in the Islamic Republic of Iran. Iran, as an active party to the core treaties on human rights, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Rights of the Child, has always done its utmost to abide by its international obligations. During the past year, the Islamic Republic of Iran submitted its third periodic report on the implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee, and the

Iranian delegation actively participated in the sessions of the Committee and had further elaborations on the report. Iran has also already submitted its second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights, and the report is under consideration by the relevant committee. Furthermore, the eighteenth and nineteenth periodic report of the Islamic Republic of Iran on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination has been submitted to the relevant committee. On the implementation of the Convention on the Rights of the Child, the third and the fourth periodic national report is to be submitted soon.

**Operative paragraphs 11 and 12**

The Islamic Republic of Iran is, as always, committed to its Constitution, national laws and relevant international obligations, as well as its religious commitments, which make it imperative that it try its best to promote and protect human rights. The presentation and adoption of the national report of the Islamic Republic of Iran during the seventh session of the Human Rights Council, its cooperation with the human rights special procedures, including the visits paid by the six special rapporteurs to Iran, the bilateral cooperation of Iran with the Office of the United Nations High Commissioner for Human Rights and the official invitation of the United Nations High Commissioner for Human Rights to visit Iran and the preliminary visit of the High Commissioner in 2011, the submission of the third periodic report of the country on the implementation of the Covenant on Civil and Political Rights to the relevant committee followed by the participation of the Iranian delegation headed by the Deputy Secretary of the High Council for Human Rights of the country, the active participation of the Iranian delegation headed by the Secretary of the High Council for Human Rights of the country in the Third Committee during the sixty-sixth session of the General Assembly, the active participation in the nineteenth session of the Human Rights Council, accession to international human rights treaties, the establishment of the High Council for Human Rights in Iran, which initiated rounds of specialized round tables on human rights, having invited academia, judicial authorities and executive authorities together, the bilateral human rights dialogue with several countries and the continuation of this positive trend are only a part of the action and interaction of the Islamic Republic of Iran with the international human rights system and the international community.

**Operative paragraph 13**

Considering the extension of the standing invitation of the Islamic Republic of Iran to the special rapporteurs and independent experts of the special procedures of the Human Rights Council, and the six visits paid by them so far, Iran has already proved its intention and commitment to constructive cooperation with international mechanisms on human rights.

Additionally, mutual cooperation and engagement mechanisms with the special rapporteurs are drafted and prepared within the support and empowerment programmes in the field of human rights. In this regard, it is noteworthy that invitations to two special rapporteurs have been on the agenda. The Islamic Republic of Iran has reinforced such collaborative relations by direct contacts and meetings with the Office of the United Nations High Commissioner for Human Rights and has proven its sincere willingness to have constructive relations with the

related human rights institutions. Meanwhile, the United Nations High Commissioner for Human Rights has already been invited to visit Iran, the preparatory delegation has already visited the country and the agenda on technical cooperation with the Office of the United Nations High Commissioner for Human Rights has also been drafted.

**Operative paragraph 14**

Regarding the recommendation in this paragraph on the consideration of all the recommendations made with regard to the universal periodic review of the Islamic Republic of Iran, it should be noted that the Islamic Republic of Iran has seriously deliberated on the recommendations made in the related universal periodic review and so far is among the few countries that have accepted the maximum number of recommendations and is following the materialization of those constructive recommendations in cooperation with civil society and groups. Nevertheless, it is obvious that some of the recommendations are either in contradiction with local laws or are made for politicized purposes and could not be accepted.

**Operative paragraph 15**

Requests to have more special rapporteurs and mandate holders assess and report on the human rights situation in the Islamic Republic of Iran (along with the human rights mandate holders envisioned in last year's resolution) are inconsistent with positive developments and measures taken in recent years by the Islamic Republic of Iran, mainly in the same mentioned fields, which are acknowledged by the related independent and honest sources. They also disregard the constructive trend of cooperation between the Islamic Republic of Iran and the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms, as well as its seriousness in following up the optimization of affairs in related fields. Therefore, the adopted approach may lead to an unwanted showdown and negatively affect the ongoing constructive cooperation and positive engagement, which should be earnestly avoided.

**Operative paragraph 16**

The request made in this paragraph for the United Nations Secretary-General to put forward recommendations and options in order to better implement this resolution, and to submit a report to the Human Rights Council at its twenty-second session is inconsistent with the aforementioned developments and attempts, as well as the continuation of the good offices in this regard. Given the short time until that session, it may also be construed that the main purpose of the sponsors is just to add to the numbers of the reports and documents unconstructively, particularly since it is happening when the Islamic Republic of Iran is preparing the necessary grounds for the implementation of the constructive recommendations raised. Therefore, introducing new instructions for the Secretary-General to submit a new report and recommendations to the General Assembly and the Human Rights Council is simply unnecessary and inconsistent with the current constructive cooperation.

**Operative paragraph 17**

There is no value added for human rights in the repetition of a mandate by the Secretary-General. Additionally, this issue will stymie the continuation of the positive and growing cooperation and engagement.

**To sum up:**

1. Considering the above-mentioned comprehensive points and logical basis, as well as the growing trend of ongoing constructive cooperation in the field of human rights, the Islamic Republic of Iran, like many countries and institutions which are honest and in favour of the real enhancement of global human rights, expects that countries will take a constructive position in this regard.

2. Political orientation in and manipulation of human rights is quite obvious in the proposed resolution. By overlooking the inhuman crimes of the United States in bombarding and killing innocent people in Afghanistan and Iraq, and violating the undeniable rights of prisoners in Guantanamo, the sponsors of this resolution are somehow complicit in such crimes against humanity. Studies show that these countries are present or actively involved in most of these crimes and human rights violations, and their support and impunity led to the continuation of such inhumanity. In this regard, it is obvious that the committed crimes of the Zionist Regime in Palestine were not possible without the veto power of the United States. Additionally, wars in Africa, Asia and Latin America, be they small or big, would not take place or last, unless they were supported by such countries.

3. Against this background, the sponsors ventured into an unconstructive measure by proposing the resolution against the Islamic Republic of Iran with unsubstantiated and fake allegations (the country which, after the Islamic Revolution in 1979, tried to establish a new democratic system and a social and civil system based on Islamic wisdom and logic, and although it has been negatively affected by unilateral sanctions by some western countries, many countries and relevant independent institutions have confessed that it has achieved remarkable progress in enhancing the human rights situation of different strata of its society).